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U.S. Immigration Policy on Temporary Admissions

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Summary

The September 11, 2001, terrorist attacks — conducted by foreign nationals apparently admitted to the United States on legal visas — have raised a series of questions about aliens in the United States and the extent that the federal government monitors their admission and presence in this country. The Enhanced Border Security and Visa Entry Reform Act (P.L. 107-173) and provisions in the Homeland Security Act (P.L. 107-296) are examples of tightening policies toward aliens temporarily admitted to the United States.

There are 24 major nonimmigrant visa categories, and 72 specific types of nonimmigrant visas issued currently. These visa categories are commonly referred to by the letter and numeral that denotes their subsection in the Immigration and Nationality Act (INA), e.g., B-2 tourists, E-2 treaty investors, F-1 foreign students, H-1B temporary professional workers, J-1 cultural exchange participants, or S-4 terrorist informants.

The U.S. Department of State (DOS) consular officer, at the time of application for a visa, as well as the Department of Homeland Security (DHS) immigration inspectors, at the time of application for admission, must be satisfied that the alien is entitled to nonimmigrant status. The burden of proof is on the applicant to establish eligibility for nonimmigrant status and the type of nonimmigrant visa for which the application is made. Both DOS consular officers (when the alien is petitioning abroad) and DHS inspectors (when the alien is entering the United States) must confirm that the alien is not ineligible for a visa under the so-called “grounds for inadmissibility” of the INA, which include criminal, terrorist, and public health grounds for exclusion.

Nonimmigrant visas issued abroad dipped to 5.8 million in FY2002 after peaking at 7.6 million in FY2001. FY2003 data revealed a further drop to 4.9 million nonimmigrant visas issued. Preliminary FY2004 data indicated 5.0 million nonimmigrant visas were issued. Over the past dozen years, DOS has typically issued about 6 million nonimmigrant visas annually. The growth in the late 1990s has been largely attributable to the issuances of border crossing cards to residents of Canada and Mexico and the issuances of temporary worker visas. Combined, visitors for tourism and business comprised the largest group of nonimmigrants in FY2002, about 4.3 million, down from 5.7 million in FY2000. Other notable categories were students and exchange visitors (9.5%) and temporary workers (8.0%).

The law and regulations usually set strict terms for nonimmigrant lengths of stay in the United States, typically have foreign residency requirements, and often limit what the aliens are permitted to do in the United States (e.g., gain employment or enroll in school), but many observers assert that the policies are not uniformly or rigorously enforced. Agreement on the proper balance among major policy priorities, such as ensuring national security, facilitating trade and commerce, protecting public health and safety, and fostering international cooperation, may be difficult to reach and maintain.

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U.S. Immigration Policy on Temporary Admissions

Overview

The September 11, 2001 terrorist attacks — apparently conducted by foreign nationals legally admitted to the United States — are raising a series of questions about aliens in the United States and the extent that the federal government monitors their admission and presence in this country. The Enhanced Border Security and Visa Entry Reform Act (P.L. 107-173), provisions in the Homeland Security Act (P.L. 107-296) and the Intelligence Reform and Terrorism Prevention Act of 2004 (P.L. 108-458) are examples of tightening policies toward aliens temporarily admitted to the United States.

Foreign nationals may be admitted to the United States temporarily or may come to live permanently.¹ Those admitted on a permanent basis are known as immigrants or legal permanent residents (LPRs), while those admitted on a temporary basis are known as nonimmigrants.² Aliens who are in the United States without authorization, i.e., illegal aliens, are not discussed in this report. Nonimmigrants include a wide range of people, such as tourists, foreign students, diplomats, temporary agricultural workers, exchange visitors, internationally-known entertainers, foreign media representatives, intracompany business personnel, and crew members on foreign vessels.

U.S. immigration policy, embodied in the Immigration and Nationality Act (INA), presumes that all aliens seeking admission to the United States are coming to live permanently.³ As a result, nonimmigrants must demonstrate that they are coming for a temporary period and for a specific purpose. The U.S. Department of State (DOS) consular officer, at the time of application for a visa, as well as the Department of Homeland Security (DHS) immigration inspectors, at the time of application for admission, must be satisfied that the alien is entitled to a nonimmigrant status.⁴ The burden of proof is on the applicant to establish eligibility for nonimmigrant status and the type of nonimmigrant visa for which the application is made. The law exempts only the H-1 workers, L intracompany transfers, and V

¹ For background and analysis of visa issuance policy, see CRS Report RL31512, *Visa Issuances: Policy, Issues, and Legislation*, by Ruth Ellen Wasem.

² For more information, see CRS Report RS20916, *Immigration and Naturalization Fundamentals*, by Ruth Ellen Wasem.

³ §214(b) of INA.

⁴ 22 CFR §41.11(a).

family members from the requirement that they prove that they are not coming to live permanently.⁵

This report begins with a synthesis of the nonimmigrant categories according to the purpose of the visa. It discusses the periods of admission and length of stay and then summarizes grounds for inadmissibility and removal as well as reasons for termination of status. It describes the circumstances under which nonimmigrants may work in the United States and follows with an analysis of nonimmigrant admissions. The narrative concludes with a discussion of emerging issues, followed by two detailed tables analyzing key admissions requirements across all nonimmigrant visa types.

Broad Categories of Nonimmigrants

There are 24 major nonimmigrant visa categories, and 72 specific types of nonimmigrant visas issued currently.⁶ Most of these nonimmigrant visa categories are defined in §101(a)(15) of INA. These visa categories are commonly referred to by the letter and numeral that denotes their subsection in §101(a)(15), e.g., B-2 tourists, E-2 treaty investors, F-1 foreign students, H-1B temporary professional workers, J-1 cultural exchange participants, or S-4 terrorist informants. These temporary visas may be grouped under the broad labels described below.

Diplomats and Other International Representatives. Ambassadors, consuls, and other official representatives of foreign governments (and their immediate family and servants) enter the United States on A visas. Official representatives of international organizations (and their immediate family and servants) are admitted on G visas. Those nonimmigrants entering under the auspices of the North Atlantic Treaty Organization (NATO) have their own visa categories. Aliens who work for foreign media use the I visa.

Visitors as Business Travelers and Tourists. B-1 nonimmigrants are visitors for business and are required to be seeking admission for activities other than purely local employment or hire. The difference between a business visitor and a temporary worker depends also on the source of the alien's salary. To be classified as a visitor for business, an alien must receive his or her salary from abroad and must not receive any remuneration from a U.S. source other than an expense allowance and reimbursement for other expenses incidental to temporary stay.

⁵ §214(b) of INA. Nonimmigrant visas are commonly referred to by the letter and numeral that denotes their subsection in §101(a)(15), hence "H-1" workers, "L" intracompany transfers, and "V" family members.

⁶ Law on nonimmigrants dates back to the Immigration Act of 1819. An immigration law enacted in 1924 defined several classes of nonimmigrant admission. The disparate series of immigration and nationality laws were codified into INA in 1952. Major laws amending INA are the Immigration Amendments of 1965, the Refugee Act of 1980, the Immigration Reform and Control Act of 1986, the Immigration Act of 1990, and the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. The newest nonimmigrant visa — known as the V visa — was folded into the District of Columbia FY2001 appropriations conference agreement (H.R. 4942, H.Rept. 106-1005), which became P.L. 106-553.

The B-2 visa is granted for temporary visitors for “pleasure,” otherwise known as tourists. Tourists, who are encouraged to visit as a boon to the U.S. economy, have consistently been the largest nonimmigrant class of admission to the United States. A B-2 nonimmigrant may not engage in any employment in the United States.

Many visitors, however, enter the United States without nonimmigrant visas through the Visa Waiver Program. This provision of INA allows the Attorney General to waive the visa documentary requirements for aliens coming as visitors from 28 countries, e.g., Australia, France, Germany, Italy, Japan, New Zealand, Switzerland, and the United Kingdom.⁷

Multinational Corporate Executives and International Investors.

Intracompany transferees who are executive, managerial, and have specialized knowledge and who are continuing employment with an international firm or corporation are admitted on the L visas. Aliens who are treaty traders enter as E-1 while those who are treaty investors use E-2 visas.

Temporary Workers. The major nonimmigrant category for temporary workers is the H visa. Professional specialty workers (H-1B), nurses (H-1C) agricultural workers (H-2A) and unskilled temporary workers (H-2B) are included.⁸ Persons with extraordinary ability in the sciences, arts, education, business, or athletics are admitted on O visas, while internationally recognized athletes or members of an internationally recognized entertainment group come on P visas. Aliens working in religious vocations enter on R visas. Temporary professional workers from Canada and Mexico may enter according to terms set by the North American Free Trade Agreement (NAFTA) on TN visas.

Cultural Exchange. The broadest category for cultural exchange is the J visa. The J visa includes professors and research scholars, students, foreign medical graduates, teachers, camp counselors and au pairs who are participating in an approved exchange visitor program. Participants in special international cultural exchange programs from the former Soviet Union and Eastern bloc countries enter on Q-1 visas. Q-2 visas are for Irish young adults from the border counties who participate in approved cultural exchange programs.

Foreign Students. The most common visa for foreign students is the F-1 visa. It is tailored for international students pursuing a full-time academic education. Those students who wish to pursue a non-academic, e.g., vocational, course of study

⁷ See CRS Report RL32221, *Visa Waiver Program*, by Alison Siskin.

⁸ See CRS Report RL30498, *Immigration: Legislative Issues on Nonimmigrant Professional Specialty (H-1B) Workers*; CRS Report RL30852, *Immigration of Agricultural Guest Workers: Policy, Trends, and Legislative Issues*, both by Ruth Ellen Wasem; CRS Report RL32044, *Immigration: Policy Considerations Related to Guest Worker Programs*, by Andorra Bruno, and CRS Report RS20164, *Immigration: Temporary Admission of Nurses for Health Shortage Areas (P.L. 106-95)*, by Joyce Vialet.

apply for an M visa. Foreign students are just one of many types of aliens who may enter the United States on a J-1 visa for cultural exchange.⁹

Family-Related. Fiances and fiancées of U.S. citizens come in on K visas. The 106th Congress added a transitional nonimmigrant visa — the V visa — for immediate relatives (spouse and children) of LPRs who have had petitions to also become LPRs pending for three years.

Law Enforcement-Related. The law enforcement-related visas are among the most recently created. The S visa is used by informants in criminal and terrorist investigations.¹⁰ Victims of human trafficking who participate in the prosecution of those responsible may get a T visa. Victims of other criminal activities, notably domestic abuse, who cooperate with the prosecution are eligible for the U visa.

Aliens in Transit and Crew Members. Two miscellaneous nonimmigrant categories are some of the earliest nonimmigrant categories enacted. The C visa is for aliens traveling through the United States en route to another destination, and the D visa is for alien crew members on vessels or aircraft.

Exclusion and Removal

Inadmissibility. Both DOS consular officers (when the alien is petitioning abroad) and INS inspectors (when the alien is entering the United States) must confirm that the alien is not ineligible for a visa under the so-called “grounds for inadmissibility” of the INA.¹¹ These criteria categories are:

- health-related grounds;
- criminal history;
- security and terrorist concerns;
- public charge (e.g., indigence);
- seeking to work without proper labor certification;
- illegal entrants and immigration law violations;
- lacking proper documents;
- ineligible for citizenship; and
- aliens previously removed.¹²

⁹ For further discussion and analysis, see CRS Report RL31146, *Foreign Students in the United States: Policies and Legislation*, by Ruth Ellen Wasem.

¹⁰ For more information, see CRS Report RS21043, *Immigration: S Visas for Criminal and Terrorist Informants*, by Karma Ester.

¹¹ §212(b) of INA.

¹² For a fuller analysis, see CRS Report RL32480, *Immigration Consequences of Criminal Activity*, by Michael John Garcia; and CRS Report RL32564, *Immigration: Terrorist Grounds for Exclusion of Aliens*, by Michael John Garcia and Ruth Ellen Wasem.

The law provides waiver authority of these grounds (except for most of the security and terrorist-related grounds) for nonimmigrants on a case-by-case basis.¹³

Termination of Status. Consistent with the grounds of inadmissibility, the legal status of a nonimmigrant in the United States may be terminated based upon the nonimmigrant's behavior in the United States. Specifically, the regulations list national security, public safety and diplomatic reasons for termination. If a nonimmigrant who is not authorized to work does so, that employment constitutes a failure to maintain a lawful status. A crime of violence that has a sentence of more than one year also terminates nonimmigrant status.¹⁴

Periods of Admission

Length of Stay. Congress has enacted amendments and the executive branch has promulgated regulations governing areas such as the length and extensions of stay. For example, A-1 ambassadors are allowed to remain in the United States for the duration of their service, F-1 students to complete their studies, R-1 religious workers for up to three years, and D crew members for 29 days. Many categories of nonimmigrants are required to have a residence in their home country that they intend to return to as a stipulation of obtaining the visa. The law actually requires J-1 cultural exchange visa holders to go home for two years prior to returning to the United States (with some exceptions).

On April 12, 2002, the former INS proposed regulations on the length of stay for aliens on visitor visas (B-2) aimed at curbing abuses in that nonimmigrant visa category, such as working, enrolling in school, or overstaying. The rule would have eliminated the minimum six-month admission period and would have replaced it with "a period of time that is fair and reasonable for the completion of the purpose of the visit." The burden would have been on the alien to explain to the immigration inspector the nature and purpose of visit so the inspector can determine an appropriate time limit. In those cases where the inspector could not have determined the time needed to complete the visit, the visitors would have been limited to 30-day periods.¹⁵ Ultimately the Administration announced that it was not promulgating this regulation.

DHS recently announced plans to revise the regulations to expand the time restriction on BCCs used by Mexicans to enter the United States for temporary visits. This decision reportedly was coordinated between U.S. Secretary for Homeland Security Tom Ridge and Mexican Secretary of Government Santiago Creel. According to the DHS press release, the forthcoming rule would extend the time limit for BCC visitors from 72 hours to a period of 30 days. Laser visaholders planning

¹³ §212(d)(3) and (4) of INA.

¹⁴ §214.1 of 8 CFR.

¹⁵ *Federal Register*, vol. 67, no. 71, Apr. 12, 2002, pp.18065-18069.

to stay in the United States for more than 30 days are expected to be included in US-VISIT.¹⁶

Duration of Visa. Separate from the length of stay authorized for the various nonimmigrant visas is the validity period of the visa issued by DOS consular officers. These time periods are negotiated country-by-country and category-by-category, generally reflecting reciprocal relationships for U.S. travelers to these countries. For example, a B-1 and B-2 visitor visa from Germany is valid for 10 years while B-1 and B-2 visas from Indonesia are valid for five years. The D crew member visa is valid for five years for Egyptians, but only one year for Hungarians.

Employment Authorization

Permission to Work. With the obvious exception of the nonimmigrants who are temporary workers or the executives of multinational corporations, most nonimmigrants are not allowed to work in the United States. Exceptions to this policy are noted in **Table 2**, which follows at the end of this report. As stated above, working without authorization is a major violation of law and results in loss of nonimmigrant status.

Labor Market Tests. The H-2 visas require that employers conduct an affirmative search for available U.S. workers and that DOL determine that admitting alien workers will not adversely affect the wages and working conditions of similarly employed U.S. workers. Under this process — known as labor certification — employers must apply to the U.S. Department of Labor for certification that unemployed domestic workers are not available and that there will not be an adverse effect from the alien workers' entry.

The labor market test required for H-1 workers, known as labor attestation, is less stringent than labor certification. Any employer wishing to bring in an H-1B nonimmigrant must attest in an application to the DOL that: the employer will pay the nonimmigrant the greater of the actual compensation paid other employees in the same job or the prevailing compensation for that occupation; the employer will provide working conditions for the nonimmigrant that do not cause the working conditions of the other employees to be adversely affected; and, there is no strike or lockout. Employers recruiting the H-1C nurses must attest that: their employment will not adversely affect the wages and working conditions of similarly employed registered nurses; the H-1C nurses will be paid the wage rate paid by the facility to similarly employed U.S. registered nurses; the facility is taking significant steps to recruit and retain sufficient U.S. registered nurses; and the facility is abiding by specified anti-strike and layoff protections.

¹⁶ U.S. Department of Homeland Security, Office of the Press Secretary, *DHS Announces Expanded Border Control Plans*, Aug.10, 2004; available at [<http://www.dhs.gov/dhspublic/display?content=3930>].

Statistical Trends

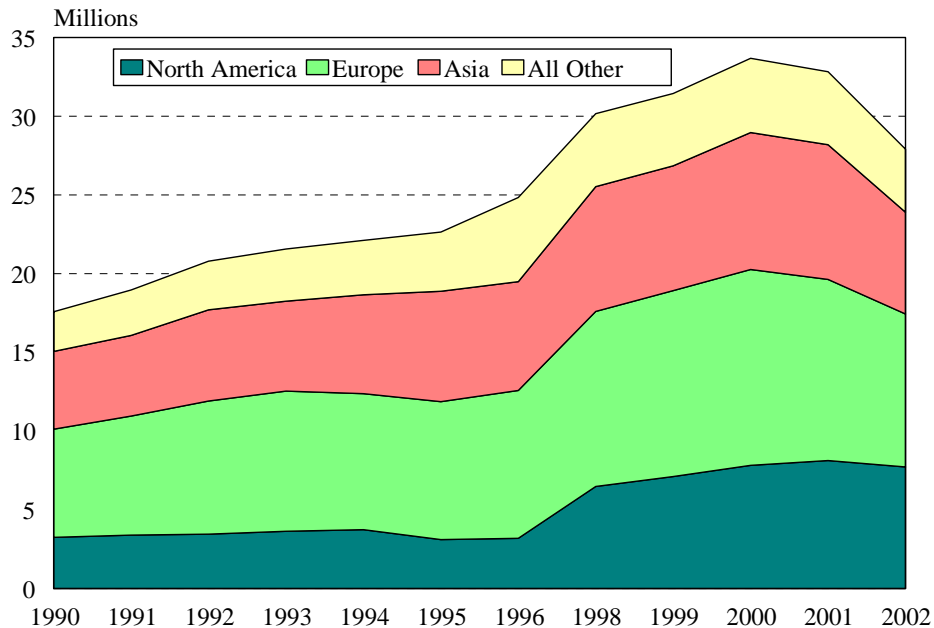
Numerical Limits. Unlike immigrant admissions that are subject to a complex set of numerical limits, only a few nonimmigrant admissions are subject to numerical limits. In 1990, numerical restrictions were first placed on annual admissions on some work-related categories — the H-1B and H-2B categories. Subsequently, numerical limits were set for the North American Free Trade workers from Mexico, the S visas for criminal informants, the H-1C nurses, and the U and T visas for victims of criminal activity and human trafficking.

FY2002 Entries. During FY2002, 27.9 million nonimmigrants entered the United States, down from a record 33.7 million in FY2000. The overwhelming majority — 87.2% — were tourists or business visitors. Of that number, 13.2 million nonimmigrants entered the United States through Visa Waiver Program (VWP) in FY2002, down from 17 million in FY2001.¹⁷ Because these data are DHS admissions numbers, they include multiple entries by the same person; however, they do not enumerate nonimmigrants already present in the United States who entered in a prior year.

As **Figure 1** illustrates, the number of nonimmigrant entries has steadily grown over the past decade. Most nonimmigrant admissions in FY2002 are from Europe (9.7 million), as has been the case for the entire decade. The number of nonimmigrants from North America, however, has more than doubled, jumping from 3.2 million in FY1990 to 7.7 million in FY2002. Asians make up the next largest group of nonimmigrants over the decade, growing from 4.9 million in FY1990 to 6.5 million in FY2002.

¹⁷ See CRS Report RL32221, *Visa Waiver Program*, by Alison Siskin.

Figure 1. Nonimmigrant Admissions by World Region, FY1990-FY2002

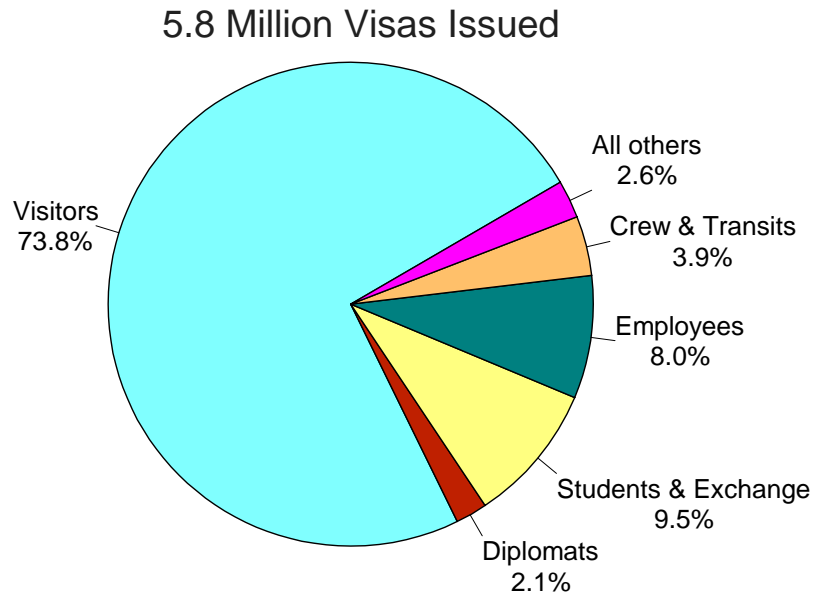


Source: published data from DHS Immigration Statistical Yearbooks, FY1994-FY2002.

Note: INS did not publish nonimmigrant data for FY1997.

FY2002 Issuances. Nonimmigrant visas issued abroad dipped to 5.8 million in FY2002 after peaking at 7.6 million in FY2001. FY2003 data revealed a further drop to 4.9 million nonimmigrant visas issued. Preliminary FY2004 data indicated 5.0 million nonimmigrant visas were issued. Over the past dozen years, DOS has typically issued about 6 million nonimmigrant visas annually.

The growth in the late 1990s has been largely attributable to the issuances of border crossing cards (laser visas) to residents of Mexico and the issuances of temporary worker visas. Combined, visitors for tourism and business comprised the largest group of nonimmigrants in FY2002, about 4.3 million, down from 5.7 million in FY2000. Other notable categories were students and exchange visitors (9.5%) and temporary workers and other employees (8.0%). Depending on the visa category and the country the alien is coming from, the nonimmigrant visa may be valid for several years and may permit multiple entries.

Figure 2. FY2002 Visa Issuances by Major Categories

Source: CRS analysis of U.S. Department of State Bureau of Consular Affairs FY2002 data.

Current Issues

Border Security. The September 11, 2001 terrorist attacks — conducted by foreign nationals apparently admitted to the United States with nonimmigrant visas — have raised a series of questions about aliens in the United States and the extent that the federal government monitors their admission and presence in this country. The 107th Congress enacted several major laws that included significant revisions to visa policy administration and issuances. The USA PATRIOT Act (P.L. 107-56) was a broad anti-terrorism measure that included several important changes to immigration law, including expansion of the definition of terrorism and the designation of terrorist organizations used to determine the inadmissibility and removal of aliens. The Enhanced Border Security and Visa Entry Reform Act of 2002 (P.L. 107-173) expressly targeted the improvement of visa issuance procedures. The Homeland Security Act of 2002 (P.L. 107-296) gave authority over visa policy to the newly created Department of Homeland Security.

The 108th Congress enacted legislation implementing the 9/11 Commission recommendations, the Intelligence Reform and Terrorism Prevention Act (P.L. 108-458), which has provisions pertaining to temporary admissions. Among other things, it requires accelerated deployment of the biometric entry and exit system to process or contain certain data on aliens and their physical characteristics. It requires an in-person consular interview of most applicants for nonimmigrant visas between the ages of 14 and 79, and also requires an alien applying for a nonimmigrant visa to completely and accurately respond to any request for information contained in his or

her application. The Act also expands the pre-inspection program that places U.S. immigration inspectors at foreign airports, increasing the number of foreign airports where travelers would be pre-inspected before departure to the United States. Moreover, it requires individuals entering into the United States (including U.S. citizens and visitors from Canada and other Western Hemisphere countries) to bear a passport or other documents sufficient to denote citizenship and identity.

Some continue to advocate a closer monitoring of those present in the United States on nonimmigrant visas. Supporters of this view focus on foreign students and temporary workers as the nonimmigrants most likely to include spies and terrorists, and they argue that increased monitoring of aliens is essential to national security. Others warn that such scrutiny may lead to excessive government intrusion. Many also question the feasibility of systems for nonimmigrant tracking as well as privacy concerns.

Efforts to establish a comprehensive automated system that tracks the arrival and departure of nonimmigrants underway but incomplete. For over a year at 115 airports and 14 seaports, many nonimmigrants are entered into the new US-VISIT system that uses biometric identification (finger scans) to check identity and track presence in the United States.

Temporary Workers. Quite separate from issues arising from border security are policies toward temporary workers that traditionally prompt major immigration proposals every few years. When President George W. Bush announced his principles for immigration reform in January 2004, he proposed a new expanded temporary worker program.¹⁸ The President featured his proposal in the State of the Union address, and it has sparked a lively debate.¹⁹ As the economy pulls out of the recession, attention may again turn to the professional temporary H-1B workers who frequently are employed in the information technology and healthcare sectors.²⁰

Enforcing Current Law. While currently the law and regulations usually set strict terms for nonimmigrant lengths of stay in the United States, typically have foreign residency requirements, and often limit what the aliens are permitted to do in the United States (e.g., gain employment or enroll in school), many observers assert that these policies are not uniformly or rigorously enforced. Some maintain that further legislation is not necessary if the laws currently in place are enforced.

¹⁸ The White House, *Fact Sheet: Fair and Secure Immigration Reform*, Jan. 7, 2004. Available at [<http://www.whitehouse.gov/news/releases/2004/01/20040107-1.html>].

¹⁹ For discussion of the temporary worker issue, see CRS Report RL32044, *Immigration: Policy Considerations Related to Guest Worker Programs*, by Andorra Bruno.

²⁰ See CRS Report RL30498, *Immigration: Legislative Issues on Nonimmigrant Professional Specialty (H-1B) Workers*; CRS Report RL30852, *Immigration of Agricultural Guest Workers: Policy, Trends, and Legislative Issues*, both by Ruth Ellen Wasem; CRS Report RL32044, *Immigration: Policy Considerations Related to Guest Worker Programs*, by Andorra Bruno, and CRS Report RS20164, *Immigration: Temporary Admission of Nurses for Health Shortage Areas (P.L. 106-95)*, by Joyce Violet.

The two tables that follow, among other things, illustrate the complexity and diversity of policy on temporary admissions, and the challenge for policy makers who may seek to revise it. **Table 1** indicates whether the INA or regulations set any limits or requirements on how long nonimmigrants may stay in the United States and whether they must maintain a residence in their home country for each of the 72 visa classifications. **Table 2** details whether there are any labor market tests or any limits on the numbers of aliens who can enter the United States according to each of the 72 visa classifications. **Table 2** also presents DOS data on the number of nonimmigrant visas issued in FY2000. *When a cell in the table is blank, it means the law and regulations are silent on the subject.*

Agreement on the proper balance among major policy priorities, such as ensuring national security, facilitating trade and commerce, protecting public health and safety, and fostering international cooperation (as well as the goal of meeting the needs of U.S. employers while not undercutting U.S. workers) may be difficult to reach and maintain.

Table 1. Periods of Stay and Foreign Residency Requirements for Nonimmigrant Visas

Visa	Class description	Period of stay	Renewal option	Foreign residence required
A-1	Ambassador, public minister, career diplomat, consul, and immediate family	Duration of assignment		
A-2	Other foreign government official or employee, and immediate family	Duration of assignment		
A-3	Attendant, servant or personal employee of A-1/A-2, and immediate family	up to three years	up to two years intervals	
B-1	Visitor for business	up to one year	up to six months	Yes
B-2	Visitor for pleasure	six months to one year	up to six months	Yes
B-1/B-2	Business and pleasure	six months to one year	up to up to six months	Yes
BCC	Border Crossing Cards	72 hours [unless coupled with B-1 or B-2] proposed extension to 30 days		Yes
C-1	Alien in transit	up to 29 days		
C-1/D	Transit/crew member	up to 29 days		
C-2	Person in transit to United Nations Headquarters	up to 29 days		
C-3	Foreign government official, immediate family, attendant, servant, or personal employee in transit	up to 29 days		
D	Crew member	up to 29 days		
E-1	Treaty trader, spouse and child, and employee	up to two years	up to two years	
E-2	Treaty investor, spouse and child, and employee	same as E-1	same as E-1	
F-1	Foreign student (academic or language training program)	Period of study (one year secondary students)		Yes

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Visa	Class description	Period of stay	Renewal option	Foreign residence required
F-2	Spouse or child of F-1	same as F-1		Yes
G-1	Principal resident representative of recognized foreign member government to international organization, staff, and immediate family	Duration of assignment		
G-2	Other representative of recognized foreign member government to international organization, and immediate family	Duration of assignment		
G-3	Representative of nonrecognized or nonmember foreign government to international organization, and immediate family	Duration of assignment		
G-4	International organization officer or employee, and immediate family	Duration of assignment		
G-5	Attendant, servant, or personal employee of G-1 through G-4, and immediate family	up to two years	up to two-year intervals	
H-1A	Temporary worker — nurse (statutory authority expired)	up to three years	up to two-year intervals; up to five years max	
H-1B	Temporary worker — professional speciality occupation	up to three years	up to three-year intervals; up to six years max	
H-1C	Temporary worker — nurse (new category)	three years		
H-2A	Temporary worker — agricultural workers	up to one year	up to one year; three years total	Yes
H-2B	Temporary worker — non- agricultural workers	up to one year	up to one year; three years total	Yes
H-3	Temporary worker — trainee	up to two year		Yes
H-4	Spouse or child of H-1A/B/C, H-2A/B, or H-3	Same as principal		
I	Representative of foreign information media, spouse and child	Duration of employment		
J-1	Cultural exchange visitor	Period of program		Yes

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Visa	Class description	Period of stay	Renewal option	Foreign residence required
J-2	Spouse or child of J-1	Same as J-1		Yes
J-3	Au Pair	14 months		Yes
K-1	Fiancé(e) of U.S. citizen	Valid for 4 months; must marry within 90 days to adjust status		
K-2	Child of K-1	Same as K-1		
K-3	Spouse of U.S. citizen awaiting LPR visa			
K-4	Child of K-3			
L-1	Intracompany transferee (executive, managerial, and specialized knowledge personnel continuing employment with international firm or corporation)	up to three years	up to two-year extension; five years max; executives seven years	
L-2	Spouse or child of L-1	Same as L-1		
M-1	Vocational student	Duration of study		Yes
M-2	Spouse of child of M-1	Same as M-1		Yes
NATO-1	Principal permanent representative of member nations to NATO, high ranking NATO officials, and immediate family	tour of duty		
NATO-2	Other representatives of member states to NATO (including any of its subsidiary bodies), and immediate family; dependents of member of a force entering in accordance with provisions of NATO agreements; members of such force if issued visas	tour of duty		
NATO-3	Official clerical staff accompanying a representative of member state to NATO, and immediate family	tour of duty		
NATO-4	Officials of NATO (other than those classifiable as NATO-1), and immediate family	tour of duty		
NATO-5	Experts, other than NATO-4 officials, employed in missions on behalf of NATO, and their dependents	tour of duty		
NATO-6	Civilian employees of a force entering in accordance with the provisions of NATO agreements or attached to NATO headquarters, and their immediate family	tour of duty		

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Visa	Class description	Period of stay	Renewal option	Foreign residence required
NATO-7	Attendants, servants, or personal employees of NATO-1 through NATO-6, and immediate family	up to three years	two-year intervals	
N-8	Parent of certain special immigrants (pertaining to international organizations)	up to three years	up to three-year interval until child becomes an adult	
N-9	Child of N-8 or of certain special immigrants (pertaining to international organizations)	up to three years	up to three-year interval until child becomes an adult	
O-1	Person with extraordinary ability in the sciences, arts, education, business, or athletics	up to three years	up to one year	
O-2	Person accompanying and assisting in the artistic or athletic performance by O-1	up to three years	up to one year	Yes
O-3	Spouse or child of O-1 or O-2	same as O-1 or O-2	up to one year	
P-1	Internationally recognized athlete or member of an internationally recognized entertainment group and essential support	up to five years individual athlete; up to one year group or team	up to five years, not to exceed 10 years	Yes
P-2	Artist or entertainer in a reciprocal exchange program and essential support	up to one year	one-year increments	Yes
P-3	Artist or entertainer in a culturally unique program and essential support	up to one year	one-year increments	Yes
P-4	Spouse or child of P-1, P-2, or P-3	same as P-1, P-2 or P-3	one-year increments	Yes
Q-1	International cultural exchange program participant	duration of program; up to 15 months		Yes
Q-2	Irish Peace Process Program participant	duration of program; up to three years		Yes
Q-3	Spouse or child of Q-2	same as Q-1		Yes
R-1	Religious worker	up to three years	up to two-year intervals; up to five years max	

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Visa	Class description	Period of stay	Renewal option	Foreign residence required
R-2	Spouse or child of R-1	same as R-1	same as R-1	
S-5	Criminal informant	up to three years		
S-6	Terrorist informant	up to three years		
S-7	Spouse or child of S-5 and S-6	same as S-5 and S-6		
T-1	Victim of human trafficking	If T-1 cooperates and is needed in prosecution of traffickers, may lead to adjustment to legal permanent residence		
T-2	Immediate family of T-1			
TN	NAFTA professional	one year	one year	
TD	Spouse or child of TN	one year	one year	
U-1	Victim or informant of criminal activity	May lead to adjustment to legal permanent residence if specified conditions are met.		
U-2	Spouse or child of U-1			
V-1	Spouse of Legal Permanent Resident (LPR) who has petition pending for three years or longer	Transitional nonimmigrant visa that leads to adjustment to legal permanent residence status when visa become available		
V-2	Child of LPR who has petition pending for three years or longer			
V-3	Child of V-1 or V-2			

Note: Information presented in this table comes from §101(a)(15), §212, and §214 of the Immigration and Nationality Act and §214 of 8 CFR. When a cell in the table is blank, it means the law and regulations are silent on the subject.

**Table 2. Employment Authorization, Numerical Limits,
and FY2002 Issuances for Nonimmigrant Visas**

Visa	Class description	Employment authorization	Labor market test	Annual numerical limit	FY2002 issuances
A-1	Ambassador, public minister, career diplomat, consul, and immediate family	Within scope of official duties			9,152
A-2	Other foreign government official or employee, and immediate family	Within scope of official duties			73,093
A-3	Attendant, servant or personal employee of A-1/A-2, and immediate family	Within scope of official duties			1,259
B-1	Visitor for business				60,892
B-2	Visitor for pleasure	No			271,358
B-1/B-2	Business and pleasure				2,207,301
BCC	Border Crossing Cards				836,378
C-1	Alien in transit				34,664
C-1/D	Transit/crew member				210,648
C-2	Person in transit to United Nations Headquarters				15
C-3	Foreign government official, immediate family, attendant, servant, or personal employee in transit				6,160
D	Crew member of vessel or aircraft	Only as employee of carrier			20,751
E-1	Treaty trader, spouse and child, and employee	Within the scope of treaty conditions			7,590
E-2	Treaty investor, spouse and child, and employee	Within the scope of treaty conditions			24,506
F-1	Foreign student (academic or language training program)	Off campus work is restricted, with limited exceptions			215,694

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Visa	Class description	Employment authorization	Labor market test	Annual numerical limit	FY2002 issuances
F-2	Spouse or child of F-1				19,885
G-1	Principal resident representative of recognized foreign member government to international organization, staff, and immediate family	Within scope of official duties			4,555
G-2	Other representative of recognized foreign member government to international organization, and immediate family	Within scope of official duties			7,194
G-3	Representative of nonrecognized or nonmember foreign government to international organization, and immediate family	Within scope of official duties			146
G-4	International organization officer or employee, and immediate family	Within scope of official duties			18,091
G-5	Attendant, servant, or personal employee of G-1 through G-4, and immediate family	Within scope of official duties			1,117
H-1A	Temporary worker — nurse (statutory authority expired)	Yes	Yes		-
H-1B	Temporary worker — professional speciality occupation	Yes	Yes	65,000 (with certain exceptions)	107,196
H-1C	Temporary worker — nurse	Yes	Yes	500	191
H-2A	Temporary worker — agricultural worker	Yes	Yes		29,882
H-2B	Temporary worker — non- agricultural worker	Yes	Yes	66,000	78,955
H-3	Temporary worker — trainee	Yes, as part of the training program			1,417
H-4	Spouse or child of H-1A/B/C, H-2A/B, or H-3	No			69,289
I	Representative of foreign information media, spouse and child	Only as employee of foreign media			12,329
J-1	Cultural exchange visitor	Yes, if program has work component			253,865
J-2	Spouse or child of J-1	Only as approved by INS			29,796

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Visa	Class description	Employment authorization	Labor market test	Annual numerical limit	FY2002 issuances
J-3	Au Pair				NA
K-1	Fiancé(e) of U.S. citizen				25,304
K-2	Child of K-1				3,752
K-3	Spouse of U.S. citizen awaiting LPR visa				12,403
K-4	Child of K-3				3,174
L-1	Intracompany transferee (executive, managerial, and specialized knowledge personnel continuing employment with international firm or corporation)	Yes			57,245
L-2	Spouse or child of L-1	No			53,571
M-1	Vocational student	Only practical training related to degree			4,157
M-2	Spouse of child of M-1	No			144
NATO-1	Principal permanent representative of member nations to NATO, high ranking NATO officials, and immediate family	Within scope of official duties			16
NATO-2	Other representatives of member states to NATO (including any of its subsidiary bodies), and immediate family; dependents of member of a force entering in accordance with provisions of NATO agreements; members of such force if issued visas	Within scope of official duties			5,364
NATO-3	Official clerical staff accompanying a representative of member state to NATO, and immediate family	Within scope of official duties			2
NATO-4	Officials of NATO (other than those classifiable as NATO-1), and immediate family	Within scope of official duties			133
NATO-5	Experts, other than NATO-4 officials, employed in missions on behalf of NATO, and their dependents	Within scope of official duties			91
NATO-6	Civilian employee of a force entering in accordance with the provisions of NATO agreements or attached to NATO headquarters, and their immediate family	Within scope of official duties			93
NATO-7	Attendants, servants, or personal employees of NATO-1 through NATO-6, and immediate family	Within scope of official duties			3

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Visa	Class description	Employment authorization	Labor market test	Annual numerical limit	FY2002 issuances
N-8	Parent of certain special immigrants (pertaining to international organizations)	Yes			11
N-9	Child of N-8 or of certain special immigrants (pertaining to international organizations)	Yes			7
O-1	Person with extraordinary ability in the sciences, arts, education, business, or athletics	Yes			6,126
O-2	Person accompanying and assisting in the artistic or athletic performance by O-1	Yes			2,472
O-3	Spouse or child of O-1 or O-2	Only as approved by INS			1,552
P-1	Internationally recognized athlete or member of an internationally recognized entertainment group and essential support	Yes			25,643
P-2	Artist or entertainer in a reciprocal exchange program and essential support	Yes			93
P-3	Artist or entertainer in a culturally unique program and essential support	Yes			7,727
P-4	Spouse or child of P-1, P-2, or P-3	Only as approved by INS			895
Q-1	International cultural exchange program participant	Yes, with employer approved by program			1,579
Q-2	Irish Peace Process Program participant	Yes, with employer approved by program			389
Q-3	Spouse or child of Q-2	No			2
R-1	Religious worker	Yes			8,636
R-2	Spouse or child of R-1	No			3,162
S-5	Criminal informant	Yes		200	NA
S-6	Terrorist informant	Yes		50	NA
S-7	Spouse or child of S-5 or S-6				NA
T-1	Victim of human trafficking	Yes		5,000	NA

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Visa	Class description	Employment authorization	Labor market test	Annual numerical limit	FY2002 issuances
T-2	Immediate family of T-1	Yes			NA
TN	NAFTA professional	Yes			423
TD	Spouse or child of TN				796
U-1	Victim or informant of criminal activity	Yes		10,000	NA
U-2	Spouse or child of U-1	Yes			NA
V-1	Spouse of Legal Permanent Resident (LPR) who has petition pending for three years or longer	Yes			13,983
V-2	Child of LPR who has petition pending for three years or longer	Yes, assuming they meet age requirements			12,918
V-3	Child of V-1 or V-2	Yes, assuming they meet age requirements			16,302

Note: Information presented in this table comes from §101(a)(15), §212, and §214 of the Immigration and Nationality Act and §214 of 8 CFR. When a cell in the table is blank, it means the law and regulations are silent on the subject